

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS**Recursion Software, Inc.****DEFENDANTS****Interactive Intelligence, Inc.**

(b) County of Residence of First Listed Plaintiff: Texas
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant: Dallas

(c) Attorney's (Firm Name, Address, and Telephone Number)

Andrew R. Korn
Korn, Bowdich & Diaz, L.L.P.
4221 Avondale
Dallas, Texas 75219

Attorneys (If Known)

Dawn Estes / Tamara Schiffner
Gardere Wynne Sewell LLP
1601 Elm Street, Suite 3000
Dallas, Texas 75201

II. BASIS OF JURISDICTION (Place an "x" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "x" in One Box for (For Diversity Cases Only) Plaintiff and One Box for Defendant)

- PTF DEF
Citizen of This State ☒ 1 ☐ 1 Incorporated or Principal Place ☐ 4 ☐ 4
Citizen of Another State ☐ 2 ☒ 2 Incorporated and Principal Place ☐ 5 ☐ 5
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/ PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury Med Malpractice <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <input type="checkbox"/> 390 Other Personal Injury Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relation	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405g) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405g) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	<input type="checkbox"/> 400 State reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agriculture Acts <input type="checkbox"/> 892 Economic Stabilization A <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equ: Access to Justice <input type="checkbox"/> 950 Constitution of State State Statutes <input type="checkbox"/> 890 Other Statutory Actions

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. 15 U.S.C. § 1051)

Do not cite jurisdictional statutes unless diversity)

28 U.S.C. § 1332 (diversity); 17 U.S.C. § 301 (Claim for copyright infringement)

VII. REQUESTED IN COMPLAINT☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23**DEMAND \$**CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions)

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

November 6, 2003

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

**United States District Court
Northern District of Texas**

**Supplemental Civil Cover Sheet For Cases Removed
From State Court**

This form must be attached to the Civil Cover Sheet at the time the case is filed in the U.S. District Clerk's Office. Additional Sheets may be used as necessary.

1. State Court Information:

Please identify the court from which the case is being removed and specify the number assigned to the case in that court.

Court

Case Number

In the County Court at Law No. 1
Dallas County, Texas

cc-03-11841-A

2. Style of the Case:

Please include all Plaintiff(s), Defendant(s), Intervenor(s), Counterclaimant(s), Crossclaimant(s) and Third Party Claimant(s) still remaining in the case and indicate their party type. Also, please list the attorney(s) of record for each party named and include their bar number, firm name, correct mailing address, and phone number (including area code.)

Party and Party Type

Attorney(s)

Recursion Software, Inc. (Plaintiff)

Andrew R. Korn
SBA 11683150
Korn, Bowdich & Diaz, L.L.P.
4221 Avondale
Dallas, Texas 75219
214-521-8800

Interactive Intelligence, Inc. (Defendant)

Dawn Estes
SBA 14251350
Tamara Schiffner
SBA 24033038
Gardere Wynne Sewell LLP
1601 Elm Street, Suite 3000
Dallas, Texas 75201
214-999-4847

3. **Jury Demand:**

Was a Jury Demand made in State Court? ☐ Yes ☒ No

If "Yes", by which party and on what date?

Party

Date

4. **Answer:**

Was an answer made in State Court: ☒ Yes ☐ No

If "Yes", by which party and on what date?

Interactive Intelligence, Inc.
Party

November 3, 2003
Date

5. **Unserved Parties:** None.

The following parties have not been served at the time this case was removed:

Party

Reason(s) for No Service

6. **Nonsuited, Dismissed or Terminated Parties:** None.

Please indicate any changes from the style on the State Court papers and the reason for that change:

Party

Reason

7. **Claims of the Parties:**

The filing party submits the following summary of the remaining claims of each party in this litigation:

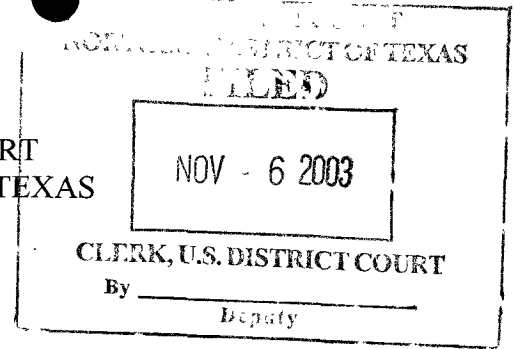
Party

Claim(s)

Recursion Software, Inc.

Breach of contract, copyright infringement

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



RECURSION SOFTWARE, INC

Plaintiff,

v.

INTERACTIVE INTELLIGENCE, INC,

Defendant.

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CIVIL ACTION NO.

3-03CV-2711R

NOTICE OF REMOVAL

Defendant Interactive Intelligence, Inc. ("Petitioner") files this notice of removal under 28 U.S.C. § 1446(a).

1. On or about September 30, 2003, Plaintiff Recursion Software, Inc. filed in the County Court At Law No. 1 of Dallas County, Texas, the lawsuit styled *Recursion Software, Inc. v. Interactive Intelligence, Inc.*, Cause No. cc-03-11841-A ("Lawsuit"). Copies of the Petition and Process were served on Petitioner on or about October 9, 2003.

2. Petitioner filed its Original Answer with the County Court at Law No. 1 of Dallas County, Texas, on November 3, 2003.

3. Copies of all state court pleadings (including Plaintiff's Original Petition and Defendant's Original Answer) are attached hereto and labeled as Exhibit "A," as required by 28 U.S.C. § 1446(a), along with an index of documents filed in state court and a copy of the docket sheet in the state court action, as required by Local Rule 81.1(a)(3).

4. This Notice of Removal is being filed within 30 days after receipt by Petitioner of a copy of the Petition and is timely filed under 28 U.S.C. § 1446(b).

5. Removal is proper because the state case is a civil action in which there is complete diversity between the parties and the matter in controversy exceeds \$75,000.00, exclusive of interest and costs. 28 U.S.C. § 1332.

6. Removal is also proper because this Court has original jurisdiction over the action pursuant to 28 U.S.C. § 1331 and 17 U.S.C. § 301, *et seq.*

7. Plaintiff Recursion Software, Inc. is a Texas corporation.

8. Defendant Interactive Intelligence, Inc. is a citizen of Indiana, being an Indiana corporation with its principal place of business in Indiana.

9. This is a civil action in which Plaintiff has asserted causes of action for breach of contract, quantum meruit and unjust enrichment. Each cause is preempted by 17 U.S.C. § 301.

10. Venue is proper in this district under 28 U.S.C. § 1441(a) because the district and division embrace the place where the removed action has been pending.

11. By virtue of this removal petition, Defendant does not waive its right to assert any jurisdictional claims or other motions, including Rule 9 and/or Rule 12 motions, permitted by the Federal Rules of Civil Procedure.

12. A copy of the written Notice, as required by 28 U.S.C. § 1446(d) and addressed to the adverse party and the respective County Court of Dallas County, Texas, is attached hereto as Exhibit "B."

13. A certificate of interested parties, as required by Local Rule 81.1(a)(3), is attached hereto as Exhibit "C."

WHEREFORE, Defendant Interactive Intelligence, Inc. requests the Lawsuit be removed to this United States District Court for the Northern District of Texas, Dallas Division and that this action be placed on the Court's docket for further proceedings.

Respectfully submitted,



Dawn Estes
State Bar No. 14251350
Tamara Schiffner
State Bar No. 24033038
GARDERE WYNNE SEWELL LLP
3000 Thanksgiving Tower
1601 Elm Street, Suite 3000
Dallas, Texas 75201-4761
(214) 999-3000 (telephone)
(214) 999-4667 (facsimile)

ATTORNEYS FOR DEFENDANT
INTERACTIVE INTELLIGENCE, INC.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was forwarded via United States Mail, certified mail, return receipt requested on the 6th day of November, 2003 to:

Andrew R. Korn
Korn, Bowdich & Diaz, L.L.P.
4221 Avondale
Dallas, Texas 75219

